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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,460	06/06/2000	Richard A. Smith	20-432	9173

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EXAMINER	
LEVITAN, DMITRY	

ART UNIT	PAPER NUMBER
2662	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/588,460	SMITH ET AL.	
	Examiner	Art Unit	
	Dmitry Levitan	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-29 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Drawings

1. The drawings were received on 02/26/04. These drawings are approved.

2. In light of the Applicant's amendment, the objections to the drawings are withdrawn.

Specification

3. In light of the Applicant's amendment, the objections to the specification are withdrawn.

Claim Rejections - 35 USC § 112

4. In light of the Applicant's amendment, the rejection of claim 29 under 35 U.S.C. 112, first paragraph is withdrawn

5. In light of the Applicant's amendment, the rejection of claim 20 under 35 U.S.C. 112, second paragraph is withdrawn

6. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 29, the recited "a mobile to HTTP gateway application" is unclear, because claim limitation "gateway application" is not understood in the context of the claim.

Claim Rejections - 35 USC § 102

7. Claims 1-3, 5-7, 9, 10, 14-17, 20, 23-26 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox (US 6,654,786).

Regarding claim 1, Fox teaches a gateway (proxy gateway 114 on Fig. 1, 2 and 4 3:62-67, 4:1-3), comprising:

A first communication path (path between 114 and 204 on Fig. 4) to accept a short message (pull message 12:62-67 and 13:1-9) from a short message service center (SMSC 204 on Fig. 4 and 12:45-57);

A translation module (translation functions of gateway 114 3:62-67 and 4:1-3) to insert said short message into an HTTP protocol message (4:19-26); and

A second communication path (path between 114 and web server 202 on Fig.4) to transmit said HTTP message to at least one URL (10:3-28).

Regarding claim 2, Fox teaches said HTTP protocol message is a POST message (10:3-11).

Regarding claim 3, Fox teaches short messages originated from a wireless device (mobile phone 106 on Fig. 1 and 4, 1:31-43).

Regarding claim 5, Fox teaches second communication path is adapted to transmit said HTTP protocol message to a plurality of URLs (URL table 506 on Fig. 3 and 6:7-26).

Regarding claims 6, 16, 17, 25 and 26, Fox teaches said second communication path accepts return results from said URL (push notification on GSM systems 12:45-57);

Said translation module inserts the return results into a short message (12:57-61); and

Said first communication path transmits said short message to said short message center (12:57-61, using SMPP because SMPP is a protocol for delivering short messages 2:4-8).

Regarding claim 7, Fox teaches said return results conform to HTTP protocols (4:19-26).

Regarding claims 9 and 20, Fox teaches a method and apparatus of communicating between a wireless device (106 on Fig. 1, 2 and 4, 3:42-51) and an application program (news 6:7-26) on an IP server (Web server 202 on Fig. 4), comprising:

Sending a short message (2:4-8) from said wireless device to said IP server (5:20-23);

Routing said short message using a wireless protocol message (4:26-42); and

Conveying said short message to said IP server using an HTTP protocol POST message (7:21-24).

In addition, regarding claim 20, Fox teaches means for sending short message (two-way communication device 106 3:41-51), means for routing said short message (air net 102, carrier infrastructure 108 on Fig. 1 and 3:50-64) and means for conveying the short message to the IP server (gateway 114 5:30-40).

Regarding claim 9, Fox teaches said wireless protocol is SMPP (inherently part of the system, because SMPP is a protocol for delivering short messages 2:4-8).

Regarding claims 14 and 23, Fox teaches sending short message to a predefined address (list 502 on Fig. 3 5:58-67 and 6:1-26).

Regarding claims 15 and 24, Fox teaches sending short message to a plurality of IP servers (group of URLs 6:7-20).

Regarding claim 29, Fox teaches a mobile to HTTP gateway application (gateway 114 on Fig. 4), comprising:

an SMPP relayer (messenger 208 on Fig. 4 and 12:59-61);

a message director to process messages from said SMPP relayer (microprocessor 5:30-40);

a poster collector to obtain at least one target poster (URL table 406 on Fig. 3 and 6:8-13); and

a poster (URL 6:20-26).

Claim Rejections - 35 USC § 103

8. Claims 8, 12, 18, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of SMPP interface specification (Application attachment Appendix A). Fox substantially teaches all the limitations of claims 8, 12, 18, 21 and 27 including using Short Messaging system 2:4-8.

Regarding claims 8, 18 and 27, Fox does not teach using SUBMIT_SM message. SMPP interface specification teaches SUBMIT_SM message (4, 5.5.1 and 6.3.3.1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add SUBMIT_SM message of SMPP interface specification to the system of Fox, because submit_sm is essential message of SMPP interface issued to submit a short message to the SMCS for transmission to a specified subscriber.

Regarding claims 12 and 21, Fox does not teach using DELIVER_SM message. SMPP interface specification teaches DELIVER_SM message (4, 6.3.5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add DELIVER_SM message of SMPP interface specification to the system of Fox, because deliver_sm is essential message of SMPP interface issued to return a delivery receipt for a short message, which has been submitted.

9. Claims 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox and SMPP interface specification in view of Daly (US 6,393,014).

Fox and SMPP interface specification substantially teach all the limitations of claims 19 and 28.

Fox and SMPP interface specification do not teach using IS-41 protocol.

Daly teaches using IS-41 protocol (Fig. 4 and 6:49-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using IS-41 protocol of Daly to the system of Fox and SMPP interface specification as another wireless protocol to improve the system compatibility with IS-41 devices.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Menard (US 6,667,688).

Fox substantially teaches all the limitations of claims 11.

Fox does not teach using ReFlex as wireless protocol.

Menard teaches using ReFlex as wireless protocol. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using ReFlex as wireless protocol of Menard to the system of Fox to improve the system compatibility with devices using ReFlex protocol.

11. Claims 4, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Wollrath (**Java-centric distributed computing.** *Wollrath, A.; Waldo, J.; Riggs, R.;* Micro, IEEE , Volume: 17 Issue: 3 , May-June 1997,Page(s): 44 -53).

Fox substantially teaches all the limitations of claims 4, 13 and 22.

Fox does not teach receiving a short message via RMI callback mechanism.

Wollrath teaches receiving a short message via RMI callback mechanism (Object serialization on page 47 and RMI example on page 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add receiving a short message via RMI callback mechanism of Wollrath to the system of Fox to improve the system compatibility with Java devices.

Response to Arguments

12. Applicant's arguments filed 02/26/04 have been fully considered but they are not persuasive.

On pages 14-21 of the Response, Applicant argues that Fox does not teach inserting a short message into an HTTP protocol message.

Examiner respectfully disagrees.

Fox teaches a messenger program 208 on Fig. 4, to form a push message (HTTP message 7:22-25) using SMS (12:55-61), inserting a short message (SMS) into HTTP message (push message).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner therefore believes that the cited references meet all the claims limitations and the rejection is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Dmitry Levitan
Patent Examiner
03/26/04.

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